

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer Division Director

July 26, 2018

Edward C. Jessen (Family Trust)
8745 East 20750 North
Mt. Pleasant, UT 84647-5616

Affel H. Ereksen
20995 North 8900 East
Mt. Pleasant, UT 84647

RE: North and South Springs Water Right 65-3244, a39499

Water Users:

In accordance with the above referenced water right and change application, along with the associated approval Order of the State Engineer (attached), measurement is required to allow continued exercise of the water rights. (see page 2, item 3). To be specific, measurement devices are required at both the spring sources, at the point where they enter the river, and a meter is required on the discharge side of the pump being used to pump from the river. The measurement devices are required to be installed in the next 30 days. If measurement is not installed by August 27, 2018, diversion from the river will no longer be allowed until measurement at all 3 points is established. The limit of the river diversion by pump is based on the amount of spring production that enters the river.

Please contact Randy Allred, San Pitch River Water Commissioner for additional information and to inspect the measuring devices once installed. If you need more information I can be reached at the Division of Water Rights by calling (801) 538-7430.

Sincerely,

Mike Silva
Distribution Engineer

Attachment

cc: Randy Allred Water Commissioner, PO Box 22, Spring City, UT
Southern Regional Office
San Pitch River, Distribution File
Water Right File 65-3244, (a39499)





GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

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MAR 27 2014

ORDER OF THE STATE ENGINEER

For Permanent Change Application Number 65-3244 (a39499)

Permanent Change Application Number 65-3244 (a39499) in the names of Edward C. Jessen Family Trust, and The Ereksen Family Farm Trust, was filed on January 14, 2014, to add a point of diversion of 1.00 cubic foot per second (cfs) of water as evidenced by Water Right Number 65-3244. Heretofore, the water has been diverted from the following points located: (1) Surface - South 650 feet and East 1930 feet from the NW Corner of Section 27, T14S, R4E, SLB&M (North Spring); (2) Surface - South 2450 feet and East 425 feet from the NW Corner of Section 27, T14S, R4E, SLB&M (South Spring). The water has been used for the irrigation of 60.00 acres from April 1 to October 15. The water has been used in all or portion(s) of Sections 27, 28, T14S, R4E, SLB&M.

Hereafter, it is proposed to divert 1.00 cfs of water from the same points as heretofore and from additional points located: (1) Surface - North 1015 feet and East 654 feet from the W¼ Corner of Section 27, T14S, R4E, SLB&M (Sanpitch River). The nature of use of the water will remain the same as heretofore. The place of use of the water will remain the same as heretofore.

Notice of the application was published in The Pyramid on January 30 and February 6, 2014. No protests were received.

Review has been made of the proposed changes and the underlying right. It is the opinion of the State Engineer that this application can be approved without adversely affecting prior rights provided certain conditions are imposed. Therefore, the applicants are put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as approved in this order of the State Engineer.

It is, therefore, **ORDERED** and Permanent Change Application Number 65-3244 (a39499) is hereby **APPROVED** subject to prior rights and with the following conditions:

- 1) This application must be totally developed and placed to beneficial use on or before the noted proof due date, which is at least five years from the date of approval.
- 2) The amount of water diverted by the applicants from all of the point of diversions shall be limited to 1.00 cfs annually for the irrigation of 60.00 acres.

- 3) The applicants shall install, at their expense, measuring devices at each of the proposed sources. The amount the applicants can divert cannot exceed the flow available at the two heretofore springs up to 1.00 cfs.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits. (UCA 73-1-4).

As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Inasmuch as this application proposes to divert water from a surface source, the applicants are required to contact the Stream Alteration Section of the Division of Water Rights at 801-538-7240 to obtain a Stream Alteration permit in addition to this Permanent Change Application.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **March 31, 2019**, or a request for extension of time must be acceptably filed and subsequently approved; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

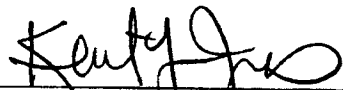
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Sevier River/Southern Regional Office. The telephone number is 435-896-4429.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 22nd day of March, 2014.


Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 22nd day of March, 2014 to:

Edward C. Jessen Family Trust
Edward C. and Lois C. Jessen trustees
PO Box 483
Mt. Pleasant, UT 84647

The Erikson Family Farm Trust
20955 North 8900 East
Mount Pleasant, UT 84647

Division of Water Rights
Stream Alteration Section

BY: 
Sonia R. Nava, Applications/Records Secretary